

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

ANDREW LONGUSKI,

Plaintiff,

No. 2:19-cv-00190

v

HON. PAUL L. MALONEY

RYAN AKERS and
GARY DEMERS,

MAG. MAARTEN VERMAAT

Defendants.

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Exhibit 1

Affidavit of Ryan Akers

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

ANDREW LONGUSKI,

Plaintiff,

v

RYAN AKERS and
GARY DEMERS,

Defendants.

NO. 2:19-cv-00190

HON. PAUL L. MALONEY

MAG. MAARTEN VERMAAT

AFFIDAVIT OF RYAN AKERS

I, Ryan Akers, having been duly sworn, depose and say:

1. If sworn as a witness, I can testify competently and with personal knowledge to the facts contained within this affidavit.
2. I am currently employed by the Michigan State Police (MSP) as a trooper working at the Rockford Post.
3. I have been employed by the MSP since 2012.
4. I have reviewed the complaint in this matter, and I am familiar with its contents.
5. The incident giving rise to the allegations in the complaint took place on Mackinac Island late in the evening of Friday, May 19, 2018.
6. I was involved in an investigation concerning a suspected stolen bicycle and disorderly conduct.
7. I summarized my investigative observations and activities in MSP Incident Report No. 083-0000600-18. I wrote this report in the ordinary course of

my official duties. It is a fair, accurate, and contemporaneous summary of my investigative observations and activities. I swear to the truth of the contents of this report based upon the information known and available to me at the time the report was written.

8. At the times relevant for purposes of the complaint, several facts supported probable cause, including but not limited to the following:

(a) Around 11:30 p.m., I observed Plaintiff riding behind another male (D/Sgt Derrick Jordan) on the back of a single person bicycle, which is a violation of Mich. Comp. Laws § 257.658.

(b) The bicycle was a ladies' bicycle in design, and purple in color with a pink seat.

(c) Plaintiff and Jordan displayed signs of intoxication.

(d) Mackinac Island Police Officer Cory Kaminen ran the bicycle registration and determined it belonged to a female employee of the Inn on Mackinac. Kaminen indicated suspicion that the bike was stolen because it belonged to a summer employee and the two individuals riding it appeared to be tourists.

(e) When I confronted Plaintiff and Jordan with suspicions about the ownership of the bike, they confirmed that they were police officers. They denied responsibility and became profane after I told them they should know better than to take a bicycle that did not belong to them. Both of them challenged my authority, attempted to minimize what had occurred, and insinuated that I should drop the matter.

(f) Jordan told me that a "friend" lent him the bike but he avoided my questions about who this friend was.

(g) An employee of the Pink Pony advised me that she was working the front door and saw Plaintiff and Jordan get on the bike and ride away. She heard them and their friends joking about where to go and whether they were stealing the bike.

(h) At about 2:00 a.m., I could hear Plaintiff and his group leave Horns Bar when it closed. They appeared highly intoxicated and used frequent profanity I could hear from a block away.

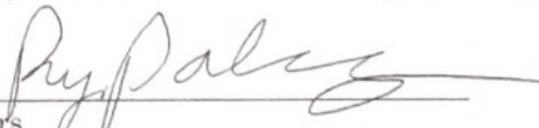
(i) I spoke with the bicycle's registered owner (on May 19, 2018, after the incident) and she confirmed she had not loaned the bicycle to anyone or given anyone permission to use it. She also told me she paid \$50 for the bike in 2015.

9. My supervisor at the time, Sgt. Gary Demers, prepared a supplemental report and a two-count misdemeanor warrant request for (1) larceny under \$200 in violation of Mich. Comp. Laws § 750.3565 and (2) disturbing the peace in violation of Mich. Comp. Laws § 750.170.

10. The Mackinac County Prosecutor's Office approved the warrant request on May 22, 2018.

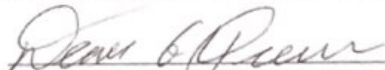
11. On September 24, 2018, the prosecutor moved for orders of nolle prosequi and dismissed all charges without prejudice. According to the prosecutor, plaintiff's actions may have been a violation of multiple Mackinac Island misdemeanor ordinances. "The Prosecution dismisses and refers the case back to Mackinac Island for appropriate actions." (9/24/18 Order of Nolle Prosequi, Ex. A.)

Date: 17 Dec 2019


Ryan Akers
Michigan State Police

Subscribed and sworn to before me, a Notary Public,

on the 17th day of December, 2019


Notary Public

Muskegon County, Michigan

My Commission Expires: 8-18-2023

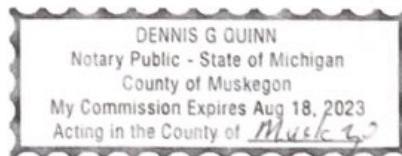


EXHIBIT A

FILED
SEP 21 20182018000170 HA
Approved, SCAOOriginal - Court
1st copy - Prosecutor2nd copy - Defendant/Juvenile
3rd copy - Policy Agency92nd District Court
ST. IGNACE, MI 49781STATE OF MICHIGAN
92nd JUDICIAL DISTRICT
11TH JUDICIAL CIRCUITMOTION/ORDER
OF NOLLE PROSEQUICASE NO.: 2018000170
DISTRICT: 18-135-SM
CIRCUIT: 18-135-SM

District Court ORI: MI490015J

100 S. Marley Street, Saint Ignace, MI 49781 906-643-7321

Police Report No. 00M83 83-600-18

Circuit Court ORI: MI490025J

100 S. Marley Street Saint Ignace, MI 49781 906-643-7300

THE PEOPLE OF
THE STATE OF MICHIGAN

v

Defendant/Juvenile's name, address, and telephone no.

DERRICK LAMAR JORDAN

WAYNE, MI

CTN / TCN

49-18000170-01 /

SID

DOB

1972

☐ Juvenile

In the matter of

COUNT	CRIME	CHARGE CODE(S)
001	LARCENY - LESS THAN \$200.00	750/3565
002	DISTURBING THE PEACE	750/170

Motion

J. Stuart Spencer prosecuting official, moves for a nolle prosequi in this case for the following reason(s):

Based on additional information and further review of the incident, the Prosecution has determined that the Defendant's actions maybe a violation of multiple Mackinac Island Misdemeanor Ordinances. The Prosecution dismisses and refers the case back to Mackinac Island for appropriate actions.

09/20/2018
DateP45315
Prosecuting Official

ORDER

IT IS ORDERED:

- ☒ 1. Motion for nolle prosequi is granted and the case is dismissed without prejudice.
☐ 2. Motion for nolle prosequi is granted as to the following charge(s) which are dismissed without prejudice.

- ☐ 3. Motion for nolle prosequi is denied.
☐ 4. Defendant shall be immediately discharged from confinement in this case.
☐ 5. Bond, if posted, is cancelled and shall be returned after costs are deducted.
☐ 6. Bond/Bail is continued.
☐ 7. If item 1 is checked, the arresting agency shall destroy the fingerprints and arrest card according to law.

Date

9-24-18

Judge/Magistrate BETH A. GIBSON Bar no. P45659

If item 1 is checked the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition as required under MCL789.16a.

TO THE DEFENDANT: Your fingerprints and arrest card will be destroyed by the Michigan State Police within 60 days of the date of this order when permitted by MCL 28.243.

MC 283/(5/07) MOTION/ORDER OF NOLLE PROSEQUI

MCL 28.243, MCL787.29, MCL 789.16A, MCR 3.936(D)

FILED
SEP 21 2018

2018000171 HA
Approved, SCAO

Original - Court
1st copy - Prosecutor

2nd copy - Defendant/Juvenile
3rd copy - Policy Agency

92nd District Court
ST. IGNACE, MI 49781
PROBATE OSM CODE: NOL

STATE OF MICHIGAN
92nd JUDICIAL DISTRICT
11TH JUDICIAL CIRCUIT

MOTION/ORDER
OF NOLLE PROSEQUI

CASE NO.: 2018000171
DISTRICT: 18-136-SM
CIRCUIT: 18-136-SM

District Court ORI: MI490015J

Circuit Court ORI: MI490025J

100 S. Marley Street, Saint Ignace, MI 49781 906-643-7321

100 S. Marley Street Saint Ignace, MI 49781 906-643-7300

Police Report No. 00M83 83-600-18

THE PEOPLE OF
THE STATE OF MICHIGAN

v

Defendant/Juvenile's name, address, and telephone no.

ANDREW PAUL LONGUSKI

MIDLAND, MI

CTN / TCN

49-18000171-01 / RA18201903T

SID

DOB

1967

[] Juvenile In the matter of

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